

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**BIG SKY RESORT, LLC<sup>1</sup>**

**Employer**

**and**

**Case 19-RC-273424**

**COMMUNICATIONS WORKERS OF AMERICA,  
AFL-CIO**

**Petitioner**

**DECISION AND DIRECTION OF ELECTION**

Big Sky Resort, LLC (Employer) operates a ski resort in Big Sky, Montana. On February 25, 2021,<sup>2</sup> Communications Workers of America, AFL-CIO (Petitioner) filed a representation petition seeking to represent approximately 100 employees employed at the Employer's facility.

The appropriateness of the petitioned-for bargaining unit is not in dispute, the only issue in this case is the method of election. On March 16, the Employer and Petitioner entered into a stipulated record in lieu of a hearing on this matter. Pursuant to the stipulation, the Employer and Petitioner agreed to submit written statements regarding their position on the method of election no later than March 19. The Employer submitted a timely written statement, endorsed by Petitioner, as both seek a manual election.

The Board has delegated its authority in this proceeding to me under §3(b) of the Act. Applying the Board's decision in *Aspirus Keweenaw*, 370 NLRB No. 45 (2020), to the circumstances in the instant case, I am directing a mail-ballot election for the reasons addressed below.

**I. METHOD OF ELECTION**

**A. The COVID-19 Pandemic**

The COVID-19 pandemic has had a profound impact on daily life in the United States in the last year. Despite unprecedented efforts to limit transmission, to date almost 30 million people in the United States have been infected with COVID-19 and over 500,000 people have died.

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<sup>1</sup> The names of the parties appear as amended by stipulation.

<sup>2</sup> All dates 2021 unless otherwise indicated.

The best ways to limit transmission are well known at this point in the pandemic. The Centers for Disease Control and Prevention (CDC) notes that COVID-19 is “spread mainly through close contact from person to person,” and can be spread through respiratory droplets by individuals within 6 feet or through airborne transmission to individuals “who are further than 6 feet away from the person who is infected or after that person has left the space.”<sup>3</sup> According to the CDC, the most important ways to slow the spread of COVID-19 are wearing a mask, staying at least 6 feet away from others, and avoiding crowds, as “the more people you are in contact with, the more likely you are to be exposed to COVID-19.”<sup>4</sup>

Because of the risk of infection associated with gatherings and in-person activities, the pandemic has also impacted on the way the Board conducts its elections. Although it has not directly addressed Board elections, the CDC has issued guidance on elections in general. Its guidance on *Polling Locations and Voters* states officials should “consider offering alternatives to in-person voting if allowed” and that “[v]oting alternatives that limit the number of people you come in contact with or the amount of time you are in contact with others can help reduce the spread of COVID-19.”<sup>5</sup> The CDC further states the virus can survive for a short period on some surfaces and that it is possible to contract COVID-19 by touching a surface or object that has the virus on it and then touching one’s mouth, nose, or eyes, but “it is unlikely to be spread from domestic or international mail, products or packaging.”<sup>6</sup> To avoid the unlikely possibility of contracting COVID-19 through the mail, the CDC simply advises: “After collecting mail from a post office or home mailbox, wash your hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol.”<sup>7</sup>

Recent developments regarding the pandemic have been both positive and negative. A positive development has been the rapidly expanding nationwide vaccination effort; as of March 22, approximately 44 million individuals, or about 13 percent of the United States population, has been fully vaccinated.<sup>8</sup> A negative development has been the unfortunate emergence of new variant strains of COVID-19, including the B.1.1.7, B.1.351, and P.1. strains.<sup>9</sup> The CDC has stated that these variants, “have mutations in the virus genome that alter the characteristics and cause the virus to act differently in ways that are significant to public health (e.g., causes more severe disease, spreads more easily between humans, requires different treatments,

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<sup>3</sup> CDC, *Ways COVID-19 Spreads*, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html> (last viewed March 22, 2021).

<sup>4</sup> CDC, *Protect Yourself*, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> (last viewed March 22, 2021).

<sup>5</sup> [tps://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html](https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html) (“Elections with only in-person voting on a single day are higher risk for COVID-19 spread ...”) (last viewed March 22, 2021).

<sup>6</sup> *Am I at risk for COVID-19 from mail, packages, or products?* <https://www.cdc.gov/coronavirus/2019-ncov/faq.html> (last viewed March 22, 2021).

<sup>7</sup> *Running Errands*, <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/essential-goods-services.html> (last viewed March 22, 2021).

<sup>8</sup> <https://covid.cdc.gov/covid-data-tracker/#vaccinations> (last viewed March 22, 2021).

<sup>9</sup> <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant-cases.html> (last viewed March 22, 2021).

changes the effectiveness of current vaccines).<sup>10</sup> Initial research suggests, as stated by the CDC, “[t]hese variants seem to spread more easily and quickly than other variants, which may lead to more cases of COVID-19.”<sup>11</sup> The CDC further cautions that we do not yet know how widely these new variants have spread, how the disease caused by these new variants differs from the disease caused by other variants that are currently circulating, and how these variants may affect existing therapies, vaccines, and tests.<sup>12</sup>

As of March 22, the B.1.1.7 variant has been confirmed as present in Montana.<sup>13</sup> As of the same date all three variants, the B.1.1.7, B.1.351, and P.1. strains, are present in Washington State.<sup>14</sup>

## **B. Background and Position of the Parties**

The Employer operates a ski resort in Big Sky, Montana. The employees in the petitioned-for unit include those in the patroller, avalanche forecaster, avalanche technician, and dispatcher classifications. The Employer has continued to operate during the pandemic, albeit with precautions in place to prevent the transmission of COVID-19. The employees in the petitioned-for unit work in-person at the resort. When on duty, the employees are assigned to one of the resort’s ski patrol stations, but work throughout the resort’s ski areas.

The Employer seeks a manual election to take place at its facility on Wednesday, March 31, and Thursday, April 1. Employees in the petitioned-for unit work a varied schedule, and the Employer maintains Wednesday and Thursday represent the days with the highest percentage of employees scheduled to work, and accordingly the best opportunity for maximum participation while still allowing the Employer to safely monitor the resort’s ski areas.<sup>15</sup> The Employer proposes two polling periods each day, the first from 1:00-2:30 p.m. and a second from 4:30-6:00 p.m. For the first window the Employer proposes utilizing a detailed releasing schedule, similar to what is used for employee COVID testing, that should allow for all employees working at that time to vote. The second window, at a time after the employees are typically done working for the day, would allow any employee unable to vote during the early session due to the Employer’s operating needs, not being scheduled to work, or any other reason, to participate in the election.

Regarding location, the Employer proposes holding the election in a 1,200 square foot restaurant space at the resort, currently not in operation due to the pandemic. The space allows for separate entrance and exit, and the Employer commits

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<sup>10</sup> Ibid.

<sup>11</sup> <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant.html> ((last viewed March 22, 2021).

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> In the event a manual election cannot take place on the preferred dates the Employer recommends the election take place on “the first sequential Wednesday and Thursday occurring five (5) calendar days after the issuance of a Decision and Direction of Election, whichever occurs later.”

to provide all necessary supplies to conduct a safe election, including personal protective equipment such as plexiglass barriers, hand sanitizer, gloves, and wipes. The Employer also commits to providing pencils, glue, tape, and other materials needed for a manual election. By its written statement, the Employer makes an open-ended commitment to comply with all certifications addressed in the General Counsel of the National Labor Relations Board's "Suggested Manual Election Protocols" memorandum, number 20-10 (GC 20-10), described in the following section. The Employer has provided photographs and other documentation demonstrating its proposed plan.

There is no contention that an outbreak is ongoing at the Employer's facility. In addition to the commitments described above, the Employer also notes that almost all of the employees in the petitioned-for unit have been vaccinated. As noted previously, Petitioner endorses the Employer's proposal.

### **C. Board Standard**

Congress has entrusted the Board with a wide degree of discretion in establishing the procedures and safeguards necessary to ensure the fair and free choice of bargaining representatives, and the Board in turn has delegated the discretion to determine the arrangements for an election to Regional Directors. *San Diego Gas and Elec.*, 325 NLRB 1143, 1144 (1998); citing *Halliburton Services*, 265 NLRB 1154 (1982); *National Van Lines*, 120 NLRB 1343, 1346 (1958); *NLRB v. A.J. Tower Co.*, 329 U.S. 324, 330 (1946). This discretion includes the ability to direct a mail-ballot election where appropriate. *San Diego Gas & Elec.*, 325 NLRB at 1144-45.

The Board's longstanding policy is that elections should, as a rule, be conducted manually. *National Labor Relations Board Casehandling Manual Part Two Representation Proceedings*, Sec. 11301.2.<sup>16</sup> However, a Regional Director may reasonably conclude, based on circumstances tending to make voting in a manual election difficult, to conduct an election by mail ballot. *Id.* This includes a few specific situations addressed by the Board, including where voters are "scattered" over a wide geographic area, "scattered" in time due to employee schedules, in strike situations, or other unspecified extraordinary circumstances. *San Diego Gas*, *supra* at 1145.

After a brief pause in elections early in the pandemic, the Board resumed conducting elections in April 2020, with many Regional Directors, including this Region's, directing primarily mail ballot elections in light of the extraordinary circumstances presented by the COVID-19 pandemic. To assist Regional Directors in determining when a manual election could be conducted safely, on July 6 the General Counsel issued GC 20-10, setting forth detailed suggested manual election protocols.

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<sup>16</sup> I note that the provisions of the *Casehandling Manual* are not binding procedural rules: it is issued by the General Counsel of the National Labor Relations Board (General Counsel) and not the Board and is intended to provide guidance to regional personnel in the handling of representations cases. See *Patient Care*, 360 NLRB 637, 638 (2014), citing *Solvent Services*, 313 NLRB 645, 646 (1994).

In *Aspirus Keweenaw*, 370 NLRB No. 45 (Nov. 9, 2020), the Board addressed how Regional Directors should assess the risks associated with the COVID-19 pandemic when considering the appropriate method of election. In doing so, the Board reaffirmed its long-standing policy favoring manual elections and outlined six situations that suggest the propriety of mail ballots due to the COVID-19 pandemic. Specifically, when one or more of the following situations is present, a Regional Director should consider directing a mail-ballot election:

1. The Agency office tasked with conducting the election is operating under "mandatory telework" status;
2. Either the 14-day trend in number of new confirmed cases of COVID-19 in the county where the facility is located is increasing, or the 14-day testing positivity rate in the county where the facility is located is 5 percent or higher;
3. The proposed manual election site cannot be established in a way that avoids violating mandatory state or local health orders relating to maximum gathering size;
4. The employer fails or refuses to commit to abide by *GC Memo 20-10*, "Suggested Manual Election Protocols;"
5. There is a current COVID-19 outbreak at the facility or the employer refuses to disclose and certify its current status; or
6. Other similarly compelling circumstances.

*Id.* slip op. at 4-7. The existence of one or more of these situations will normally suggest that a mail ballot is appropriate under the "extraordinary circumstances presented by this pandemic." *Id.* slip op. at 4. The Regional Director has discretion to conduct an election by mail ballot "under the peculiar conditions of each case." *Id.* slip op. at 3 (citing *National Van Lines*, 120 NLRB at 1346). The Regional Director's determination to conduct an election manually or by mail is subject to an abuse of discretion standard. *Aspirus*, 370 NLRB No. 45, slip op. at 3 (citing *San Diego Gas & Electric*, 325 NLRB at 1144 n. 4). Finally, in *Aspirus*, the Board noted that a Regional Director who directs a mail-ballot election under one or more of the foregoing six situations will not have abused her or his discretion. *Aspirus*, 370 NLRB No. 45, slip op. at 8.

## II. DETERMINATION

After careful examination of the record, the parties' respective positions, and the current state of the COVID-19 virus in Madison and Gallatin Counties, I have determined that a mail-ballot election is the appropriate option.

Several of the *Aspirus* factors are not relevant to my determination in this case. The Region tasked with conducting the election is not operating under mandatory telework status, mandatory state or local health orders relating to maximum gathering size are not at issue, the Employer has committed to abide by GC 20-10, and there is no evidence of a current outbreak at the Employer's facilities. Ultimately, I have determined that a mail ballot election is appropriate in this case due to the remaining



two factors, the increasing trend in Madison and Gallatin County and the existence of other compelling circumstances.

Regarding the second *Aspirus* consideration – whether the 14-day trend in the number of new confirmed cases of COVID-19 in the county where the facility is located is increasing, or the 14-day testing positivity rate in the county where the facility is located is 5 percent or higher – the Board directs Regional Directors to utilize the data published by Johns Hopkins University, or from official state or local government sources. Where county level data are not available, Regional Directors should look to state level data.

In this case, before examining the statistics, it is first necessary to consider what county or counties should be considered. The Employer's facility is in Madison County, and the Employer makes several arguments in favor of a manual election based on the extremely rural and sparsely populated nature of that county. However, Big Sky is located on the border of Madison County and Gallatin County, with the resort located on the Madison County side of the county line. Bozeman, Montana is located in Gallatin County, approximately 50 miles from Big Sky, and the resort is accessed from U.S. Route 191, the main highway between Bozeman and Yellowstone National Park, running the length of Gallatin County. Bozeman Yellowstone International Airport is the only major airport located in the area, and is the facility used by employees of the region when accessing the area from the regional office in Seattle, Washington. While I do not dispute the Employer's contentions regarding Madison County, I find that focusing exclusively on the nature of Madison County is ill-advised in the instant case. I find the proper consideration here is to examine the data from *both* Madison and Gallatin counties.

As of March 22, the trend in both counties is an increase in the number of confirmed COVID-19 cases. 14-day positivity rate data is not published by either county, or the State of Montana, but the Johns Hopkins University & Medicine Coronavirus Resource Center reflects a statewide 14-day positivity rate in Montana of 4.62 percent. The Coronavirus Resource Center also publishes the number of confirmed cases in each county in a 14-day span. As of March 22, the -14 day case count in Madison County is 0 and the -1 day case count is 1, an increase, and in Gallatin County the -14 day case count is 7 and the -1 day case count is 9, an increase.

I recognize that these increases are small as a function of raw numbers. However, I do not find that it makes sense to strictly apply the *Aspirus* standard on one set of numbers while explaining away another set of data as the Employer argues here. The statewide 14-day positivity rate in Montana is 4.62 percent, just below the 5 percent threshold set by the Board, and in this instance the Employer applies *Aspirus* strictly. However, the Employer argues that in regard to the raw case numbers I should consider the trend essentially flat and disregard any increase as small. I find this position contradictory, either the *Aspirus* thresholds are applied strictly, in which case numbers are trending up even while the statewide positivity rate is below 5 percent, or the numbers are taken in context, in which case I recognize the raw numbers are low, but the statewide positivity rate at 4.62 percent is high enough that I am not comfortable having a Board Agent travel over 700 miles from Seattle, Washington, to Big Sky, Montana.

In addition to the second factor I also find the sixth consideration - whether other compelling circumstances exist - supports directing a mail-ballot election. Specifically, I find recent changes in the COVID-19 pandemic, and specifically the emerging variants that may pose a greater risk of transmission and serious complications, present such a compelling circumstance. While it is impossible to know how great a threat these variants pose currently that is precisely the point. At this time the CDC indicates that it is working to learn more about these variants and is studying them to assess how to control their spread, what dangers they pose, and just how prevalent the variants are within impacted communities.

Here, only one of the variants is present in Montana, but I note all three variants are present in Washington, where the regional office is located. Again, in this context I am not convinced it is a prudent choice to send a Board Agent from Washington to Montana when an acceptable mail-ballot procedure exists. Because the discovery of the variants followed the Board's November 2020 Decision in *Aspirus*, and as such was not considered by the Board in that Decision, I find the variants constitute a compelling circumstance that is sufficient to support conducting an election by mail.

Finally, I note that while vaccination efforts continue, and almost all the employees in the petitioned-for unit are vaccinated, almost all the staff in the Regional office responsible for conducting the election are not eligible for vaccination under the current guidelines. For these reasons, I have directed a mail ballot election.

### III. CONCLUSION

Based on the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.<sup>17</sup>
3. The labor organization involved claims to represent certain employees of the Employer.

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<sup>17</sup> During the hearing the parties stipulated to the following commerce facts:

The Employer, a Michigan limited liability company with an office and place of business located in Big Sky, Montana, is engaged in the business of operating a ski resort. In the past calendar year, a representative period, the Employer derived gross revenues in excess of \$500,000 and purchased and received at its facility within the State of Montana goods valued in excess of \$50,000 directly from suppliers outside the State of Montana. Accordingly, the Employer is engaged in commerce within the meaning of the Act and is subject to the jurisdiction of the Board. The Employer is an employer engaged in commerce within the meaning of Sections 2(2), (6), and (7) of the Act

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

**Included:** All full-time and regular part-time patrollers, avalanche forecasters, avalanche technicians, and dispatchers employed by the Employer at its ski resort located in Big Sky, Montana.

**Excluded:** All Patrol Supervisors, all other employees, and guards and supervisors as defined in the Act.

### **DIRECTION OF ELECTION**

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by  
**COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO**

#### **A. Election Details**

The election will be conducted by mail. On **Thursday, April 1, 2021**, the ballots will be mailed to voters by a designated official from the National Labor Relations Board, Region 19. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by **Thursday, April 8, 2021**, should communicate immediately with the National Labor Relations Board by either calling the Region 19 Office at **206-220-6300** or our national toll-free line at **1-866-667-NLRB (1-866-667-6572)**.

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 19 office by **3:00 p.m. PDT on Tuesday, April 27, 2021**. All ballots will be commingled and counted by an agent of Region 19 of the National Labor Relations Board on **Thursday, April 29, 2021, at 1:00 p.m. PDT** with participants being present via electronic means. No party may make a video or audio recording or save any image of the ballot count. If, at a later date, it is determined that a ballot count can be safely held in the Regional Office, the Region will inform the parties with sufficient notice so that they may attend. The parties agreed in the stipulated record that, in the event I ordered a mail ballot election, only those ballots that arrive in the Region 19 office prior to the due date, which is by 3:00 p.m. PDT on Tuesday, April 27,



2021, will be counted and that no objections will be filed based upon any such untimely received ballots.

## **B. Voting Eligibility**

Eligible to vote are those in the unit who were employed during the payroll period ending **on March 17, 2021**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

## **C. Voter List**

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the regional director and the parties by **Friday, March 26, 2021**. The list must be accompanied by a certificate of service showing service on all parties. **The region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at

[www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015](http://www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015).

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at [www.nlr.gov](http://www.nlr.gov). Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

#### **D. Posting of Notices of Election**

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution.

Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

#### **RIGHT TO REQUEST REVIEW**

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 10 business days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review must be E-Filed through the Agency's website and may not be filed by facsimile. To E-File the request for review, go to [www.nlr.gov](http://www.nlr.gov), select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001, and must be accompanied by a statement explaining the circumstances concerning not having access to the Agency's E-Filing system or why filing electronically would impose an undue burden. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board. If a request for review of a pre-election decision and direction of election is filed within 10 business days after issuance of the decision and if the Board has not already ruled on the request and therefore the issue under review remains unresolved, all ballots will be impounded. Nonetheless, parties retain the right to file a request for review at any subsequent time until 10 business days following final disposition of the proceeding, but without automatic impoundment of ballots.

Dated at Seattle, Washington on the 24<sup>th</sup> day of March, 2021.

*Ronald K. Hooks*

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